

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

LYDIA DOMINGUEZ, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, et al.,

) Case No.: C 09-02306 CW

) **~~[PROPOSED]~~ ORDER GRANTING**
) **PRELIMINARY APPROVAL OF CLASS**
) **SETTLEMENT AGREEMENT,**
) **DIRECTING NOTICE TO THE CLASS,**
) **AMENDING THE CLASS**
) **CERTIFICATION ORDER, DISMISSING**
) **DEFENDANTS BROWN AND CHIANG**
) **AND SETTING A SCHEDULE AND**
) **FAIRNESS HEARING**

) Date: April 4, 2013

) Time: 2:00 pm

) Courtroom: 2

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Plaintiffs PATSY MILLER, ALEX BROWN, by and through his mother and next friend Lisa Brown, DONNA BROWN, CHLOE LIPTON, by and through her conservator and next friend Julie Weissman-Steinbaugh, HERBERT M. MEYER, LESLIE GORDON, CHARLENE AYERS, WILLER BEATRICE SHEPPARD, ANDY MARTINEZ, and CAROLYN STWEART (collectively “Named Plaintiffs”) have filed, and all parties support, a Motion for Preliminary Approval of Class Settlement Agreement, Directing Notice to the Class, Amending the Class Certification Order, Dismissing Defendants Brown and Chiang, and Setting a Schedule and

1 Fairness Hearing (hereinafter “Preliminary Approval Motion”). The Court has considered
2 Plaintiffs’ moving papers including the proposed Settlement Agreement, Proposed Notice to Class
3 Members, Proposed Notice Plan, and supporting declarations and exhibits, as well as the
4 arguments of counsel presented at a hearing on Plaintiffs’ Preliminary Approval Motion held on
5 Thursday, April 4, 2013. Classes and subclasses in this case have previously been certified under
6 Federal Rule of Civil Procedure 23(b)(2).

7 Based on review of these papers, the arguments of counsel, and this Court’s familiarity
8 with the case, the Court hereby finds and concludes that:

- 9 1. The Settlement Agreement is the result of serious, informed, non-collusive negotiations
10 between the parties, has no obvious deficiencies, does not improperly grant preferential
11 treatment to class representatives or segments of the class, and falls within the range of
12 possible settlement approval such that notice to the Class is appropriate.
- 13 2. The Proposed Class Notice allows class members a full and fair opportunity to consider
14 the proposed Settlement Agreement and it fairly, plainly, accurately, and reasonably
15 informs Class Members of the nature of this litigation, the identity of Class Counsel,
16 the essential terms of the Settlement Agreement, the Court’s procedures for final
17 approval of the Settlement Agreement, class members’ right to comment or object if
18 they desire, and how to obtain additional information regarding this litigation and the
19 Settlement Agreement. The Proposed Class Notice thus satisfies the requirements of
20 Federal Rule of Civil Procedure 23 and due process.
- 21 3. The Proposed Notice Plan is a reasonable method to inform class members of the
22 Settlement and satisfies the notice requirements of Federal Rule of Civil Procedure 23
23 as well as all other applicable legal and due process requirements.
- 24 4. After this Court certified the Plaintiff Class in this case, the counties of Los Angeles,
25 Madera, Mariposa, San Joaquin, and Yuba agreed to raise the wages of IHSS providers
26 above \$9.50 per hour and so IHSS consumers in those counties are properly made
27 members of the Plaintiff Class. The redefined Class meets the requirements of Federal
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Rules of Civil Procedure 23(a) and (b)(2) for the reasons set forth in the Order Granting Plaintiffs' Motion for Class Certification (Dkt. #286).

IT IS THEREFORE HEREBY ORDERED that:

1. The Settlement Agreement is preliminarily approved, subject to notice to the Class and final review and approval at the Fairness Hearing as provided for below.
2. The form of the Proposed Class Notice is approved.
3. The manner of distributing the Proposed Class Notice, as set forth in the Proposed Notice Plan, is approved.
4. The parties shall provide class members with the Proposed Class Notice in the manner specified in the Proposed Notice Plan.
5. The parties shall adhere to the following time schedule:
 - (a) Notice to the class shall be distributed and posted in the manner specified in the Settlement Agreement no later than April 5, 2013.
 - (b) Class members may file objections under the procedures specified in the Settlement Agreement and Preliminary Approval Motion, so long as the objections are postmarked or otherwise received by May 3, 2013. Class Counsel will record the date of receipt of each objection or comment, and will file all objections and comments with the Court prior to the Fairness Hearing.
 - (c) By May 10, 2013, Plaintiffs shall file a Motion for Final Approval of Class Settlement and any party that elects to do so shall file a response to objections.
 - (d) The Court shall conduct a Fairness Hearing on May 23, 2013 at 2:00 p.m. for the purpose of adjudging final approval of the Settlement Agreement.
6. Plaintiffs' request to dismiss Defendants Edmund G. Brown and John Chiang is granted.
7. This Court's order granting Plaintiffs' motion for class certification (Dkt. #286) is hereby amended to modify the class definition for the First, Second, Third and Fourth Claims for Relief as follows:

1 All In-Home Supportive Services consumers residing in Alameda, Calaveras, Contra
2 Costa, Fresno, Los Angeles, Madera, Marin, Mariposa, Mendocino, Monterey, Napa,
3 Placer, Riverside, Sacramento, San Benito, San Francisco, San Joaquin, San Luis
4 Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo
5 and Yuba counties.

6 IT IS SO ORDERED:

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8 DATED: April 4, 2013


The Honorable Claudia Wilken
United States District Judge